

Remarks

Claims 1-10 are currently pending.

35 U.S.C. §§ 103

The Examiner rejected claims 1, 2 and 4-10 under 35 U.S.C. § 103(a) as being unpatentable over Donenfeld (U.S. Pat. No. 4,576,610) in view of Fukui et al. (U.S. Pat. No. 5,529,586). The Examiner also rejected claim 3 as being unpatentable over Donenfeld in view of Fukui et al. and further in view of Yamane et al. (U.S. Pat. No. 4,210,412). Applicant respectfully traverses these rejections for the following reasons.

As currently presented, claim 1 recites a method of dyeing or printing cellulose-containing fibre material using a disperse dye, which comprises treating the fibre material according to an exhaust method or pad-dyeing method with an aqueous composition comprising a water-soluble or water-dispersible polyester resin and a water-soluble or water-dispersible acrylate binder.

In comparison, Donenfeld discloses a sublimation dye transfer printing method which is entirely different from an exhaust method or pad-dyeing method as presently claimed. Sublimation dye transfer printing involves applying a sublimable dye, polyester resin and binder to release paper in the form of a solid or semi-solid (i.e. paste) formulation to produce a printing element. The sublimable dye, polyester resin and binder are transferred from the printing element to the fabric by sublimation and migration via the application of heat. Nowhere does Donenfeld teach or suggest a method in which cellulose-containing fibre material is treated with an aqueous composition comprising a polyester resin and acrylate binder according to an exhaust method or pad-dyeing method as presently claimed.

Adding the teachings of Fukui et al. or Yamane et al. does not bring one skilled in the art closer to Applicant's claimed invention. Fukui et al. merely teaches certain dyes that are suitable for dyeing hydrophobic fibre materials red. Fukui et al. does not teach or suggest that exhaust or padding printing methods and a sublimation dye transfer printing method are functionally equivalent ways of treating fabric as the Examiner asserts, but rather teaches that such certain dyes "are useful as a disperse dye and a sublimation transfer type heat-sensitive recording material." In addition, Yamane et al. generally teaches that cross linking agents may be used in a dye transfer printing method.

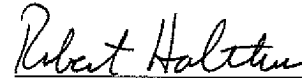
One of ordinary skill in the art, when reading each publication as a whole, would not have expected substituting a sublimation dye transfer printing method with an exhaust or padding method, when treating cellulose-containing fibre material with the aqueous composition containing a polyester resin and acrylate binder, would yield a predictable result with respect to dyeings achieved by a disperse dye.

Nevertheless, as stated in the present application and demonstrated in the Examples of the present application, Applicant has surprisingly found that by combining (i) the treatment of cellulose-containing fibre materials by an aqueous composition containing a polyester resin and acrylate binder with (ii) a method according to an exhaust or padding method renders the cellulose component and fibre material dyeable by one class of dyes (disperse dyes). Furthermore, the dyeings or prints obtained according to the invention have very good fastness to light and good wet-fastness properties, such as fastness to washing, to water, to seawater, to cross-dyeing and to perspiration. Neither Donenfeld nor Fukui et al. nor Yamane et al. teach or suggest such an unpredictable result.

Accordingly, Applicant respectfully requests the rejections under § 103(a) be withdrawn and the issuance of a Notice of Allowance toward the pending claims.

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Respectfully Submitted,



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